

Remarks

Examiner has requested applicants to elect one of the following groups of claims:

Group I, claims 1-8, drawn to a method of diagnosing the presence of an estrogen responsive cancer comprising measuring ERK8 levels in a biological sample.

Group II, claims 9-12, drawn to an antibody that binds to the amino acid sequence of SEQ ID NO: 1.

Group III, claims 13 and 14, drawn to a device for measuring ERK7/8 levels comprising several ports and zones with an ERK7/8 antibody.

Group IV, claims 15-18, drawn to a method of monitoring the effectiveness of an anti-cancer agent comprising monitoring ERK8 levels.

Group V, claims 19 and 20, drawn to a method for identifying modulators of ERK7/8 activity comprising contacting an ERK7/8 polypeptide with a kinase substrate.

Response to Restriction Requirement

Applicants provisionally elect Group IV, claims 15-18, drawn to a method of monitoring the effectiveness of an anti-cancer agent comprising monitoring ERK8 levels, with traverse.

Applicants submit that Group I should be recombined with Group IV. Group I, claims 1-8, drawn to a method of diagnosing the presence of an estrogen responsive cancer comprising measuring ERK8 levels in a biological sample, encompasses measuring ERK8 levels, as does Group IV. Searching art for one Group regarding ERK8 measurement would necessarily uncover art for the other. Therefore, there would be no undue burden to the Examiner in search art for both Group IV and Group I. Additionally, the PCT rules do not require that such groupings be made when there is a common technical feature, such as here where both measure ERK8 levels.

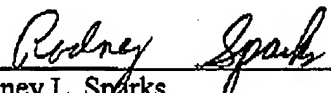
Attorney Docket No. 00910-05
Patent Application Serial No. 10/560,470
Response to 8/31/07 Restriction Requirement

Conclusion

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (434) 243-6103.

Respectfully submitted,

Date: October 31, 2007


Rodney L. Sparks
Registration No. 53,625
University of Virginia Patent Foundation
250 West Main Street, Suite 300
Charlottesville, VA 22902
Telephone: (434) 243-6103
Fax: (434) 924-2493